

AMENDED IN ASSEMBLY SEPTEMBER 4, 2009

SENATE BILL

No. 828

Introduced by Committee on Governmental Organization (Senators Wright (Chair), Benoit, Calderon, Denham, Florez, Harman, Negrete McLeod, Oropeza, Padilla, Romero, Wiggins, Wyland, and Yee)

March 19, 2009

~~An act to amend Section 8592.1 of the Government Code, relating~~
An act to amend Sections 8592.1, 8592.3, 8592.4, 8592.5, and 8592.7 of, to add Sections 8592.01 and 8592.8 to, and to repeal and add Sections 8592.2 and 8592.6 to, the Government Code, relating to public safety communication.

LEGISLATIVE COUNSEL'S DIGEST

SB 828, as amended, Committee on Governmental Organization. Public safety communication.

Existing law, the Public Safety Communication Act of 2002, provides that the Public Safety Radio Strategic Planning Committee shall have primary responsibility in state government to develop and implement a statewide integrated public safety communication system that facilitates interoperability among state public safety departments and other first response agencies and to coordinate other shared uses of the public safety spectrum. It requires the committee to make recommendations for state agency purchase of public safety radio subscriber equipment that will enable those agencies to commence conforming to industry and governmental interoperability standards. The act defines various terms for these purposes.

This bill would recast various provisions of the act. The bill would revise and add to the act's definitions and rename the committee the

State Emergency Communications Council. The bill would modify the responsibilities of the committee for purposes of the act and require the committee to establish guidelines for the purchase of public safety communications equipment. The bill would require the California Emergency Management Agency to submit specified updates and addenda relating to the California Statewide Communications Interoperability Plan to the Legislature and would require the office of the State Chief Information Officer to produce a Public Safety Communications Strategic Plan on or before June 1, 2010, and every 5 years thereafter, as specified.

~~Existing law, the Public Safety Communication Act of 2002, defines terms for its purposes and establishes the Public Safety Radio Strategic Planning Committee.~~

~~This bill would revise and add to these definitions and rename the committee as the Public Safety Emergency Communications Strategic Planning Committee.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8592.01 is added to the Government Code,
2 to read:

3 8592.01. (a) *The purpose of this act is to ensure that California*
4 *realize its vision, as outlined in the California Statewide*
5 *Communications Interoperability Plan, that all local, regional,*
6 *tribal, state, and federal public safety agencies and designated*
7 *public service organizations operating within California are able*
8 *to communicate in real time, across disciplines and jurisdictions,*
9 *to respond more effectively during day-to-day operations and*
10 *major incidents.*

11 (b) *It is the intent of the Legislature that statewide emergency*
12 *interoperable communications will be developed as quickly as*
13 *possible, consistent with the milestones and timeframes articulated*
14 *in the California Statewide Communications Interoperability Plan.*

15 ~~SECTION 1.~~

16 SEC. 2. Section 8592.1 of the Government Code is amended
17 to read:

18 8592.1. For purposes of this article, the following terms have
19 the following meanings:

1 (a) “Backward compatibility” means that the equipment is able
2 to function with older, existing equipment.

3 ~~(b) “California Statewide Interoperability Executive Committee”~~
4 ~~means the committee established under the Communications and~~
5 ~~Technology Development Branch of the California Emergency~~
6 ~~Management Agency.~~

7 ~~(c) “Committee” means the Public Safety Emergency~~
8 ~~Communications Strategic Planning Committee established in~~
9 ~~December 1994 in recognition of the need to improve existing~~
10 ~~public radio systems and develop interoperability among~~

11 (b) “California Statewide Interoperability Executive Committee”
12 means the committee established under the California Emergency
13 Management Agency that does all of the following:

14 (1) Provides guidance and consensus for agreements that define
15 the use and management of spectrum allocated for purposes of
16 enabling interoperability within California.

17 (2) Consists of representatives from local, tribal, state, and
18 federal public safety agencies within California.

19 (3) Has adopted a governing charter that has been approved
20 by the California Emergency Management Agency.

21 (c) “California Statewide Communications Interoperability
22 Plan” means the statewide communications interoperability plan
23 required by the United States Department of Homeland Security
24 to be developed by each state by the end of 2007 as a stipulation
25 for receiving future homeland security grant funds for
26 communications interoperability initiatives. The plan is the primary
27 guiding document for statewide communications interoperability
28 planning within California and guides California in achieving its
29 goal of statewide interoperable emergency communications.

30 (d) “Committee” means the State Emergency Communications
31 Council, established to develop communications interoperability
32 among the state’s public safety departments and between state
33 public safety departments and local or federal entities, and that
34 consists of representatives of the following state entities:

35 (1) The California Emergency Management Agency, whose
36 representative shall serve as chairperson.

37 (2) The Department of the California Highway Patrol.

38 (3) The Department of Transportation.

39 (4) The Department of Corrections and Rehabilitation.

40 (5) The Department of Parks and Recreation.

- 1 (6) The Department of Fish and Game.
2 (7) The Department of Forestry and Fire Protection.
3 (8) The Department of Justice.
4 (9) The Department of Water Resources.
5 (10) The State Department of Public Health.
6 (11) The Emergency Medical Services Authority.
7 ~~(12) The Department of General Services.~~
8 *(12) Office of the State Chief Information Officer.*
9 (13) The Military Department.
10 (14) The Department of Finance.

11 ~~(d)~~

12 (e) “First response agencies” means public agencies that, in the
13 early ~~states~~ *stages* of an incident, are responsible for, among other
14 things, the protection and preservation of life, property, evidence,
15 and the environment, including, but not limited to, state fire
16 agencies, state and local emergency medical services agencies,
17 local sheriffs’ departments, municipal police departments, county
18 and city fire departments, and police and fire protection districts.

19 (f) “Interoperability” means the ability of emergency response
20 officials to share information via voice and data signals on
21 demand, in real time, as necessary and as authorized.

22 ~~(e)~~

23 (g) “Nonproprietary equipment or systems” means equipment
24 or systems that are able to function with another manufacturer’s
25 equipment or system regardless of type or design.

26 ~~(f) “Open architecture” means a system that can accommodate~~
27 ~~equipment from various vendors because it is not a proprietary~~
28 ~~system.~~

29 ~~(g) “Public safety radio subscriber” means the ultimate end user.~~

30 (h) “Public safety radio subscriber equipment” means the
31 ultimate end user equipment. Subscribers include individuals or
32 organizations, including, for example, local police departments,
33 fire departments, and other operators of a public safety radio
34 system. Typical subscriber ~~equipment includes end instruments,~~
35 ~~including mobile radios, hand-held radios, mobile repeaters, fixed~~
36 ~~repeaters, transmitters, or receivers that are interconnected to utilize~~
37 ~~assigned public safety communications frequencies. equipment~~
38 *includes mobile and hand-held radios that utilize assigned public*
39 *safety communications frequencies.*

40 ~~(h)~~

1 (i) “Public safety spectrum” means the spectrum allocated by
2 the Federal Communications Commission for operation of
3 interoperable and general use radio communication systems for
4 public safety purposes.

5 *SEC. 3. Section 8592.2 of the Government Code is repealed.*

6 ~~8592.2. (a) The committee shall have primary responsibility~~
7 ~~in state government for both of the following:~~

8 ~~(1) Developing and implementing a statewide integrated public~~
9 ~~safety communication system that facilitates interoperability among~~
10 ~~state public safety departments listed in subdivision (b) of Section~~
11 ~~8592.1 and other first response agencies, as the committee deems~~
12 ~~appropriate.~~

13 ~~(2) Coordinating other shared uses of the public safety spectrum~~
14 ~~consistent with decisions and regulations of the Federal~~
15 ~~Communications Commission.~~

16 ~~(b) In order to facilitate effective use of the public safety~~
17 ~~spectrum, the committee shall consult with any regional planning~~
18 ~~committee or other federal, state, or local entity with responsibility~~
19 ~~for developing, operating, or monitoring interoperability of the~~
20 ~~public safety spectrum.~~

21 ~~(c) The committee shall meet at least twice a year, of which one~~
22 ~~meeting shall be a joint meeting with the California Statewide~~
23 ~~Interoperability Executive Committee to enhance coordination and~~
24 ~~cooperation at all organizational levels and a cohesive approach~~
25 ~~to communications interoperability.~~

26 *SEC. 4. Section 8592.2 is added to the Government Code, to*
27 *read:*

28 *8592.2. (a) The California Emergency Management Agency*
29 *shall have responsibility for the daily operations of California’s*
30 *interoperability efforts, including coordinating and managing the*
31 *use of the interoperability spectrum, and the planning,*
32 *implementation, and oversight of the initiatives outlined in the*
33 *California Statewide Communications Interoperability Plan.*

34 *(b) The Office of the State Chief Information Officer, in*
35 *collaboration with California Emergency Management Agency,*
36 *shall have responsibility for developing policies, standards, and*
37 *public safety communications technology solutions that satisfy*
38 *California’s interoperability needs based upon the operational*
39 *requirements developed and documented by the California*
40 *Statewide Interoperability Executive Committee and the committee.*

1 (c) *The California Statewide Interoperability Executive*
2 *Committee shall advise the California Emergency Management*
3 *Agency and the Office of the State Chief Information Officer on*
4 *the development of technical and operational policies for the use*
5 *of the interoperability communications spectrum.*

6 (1) *In order to facilitate effective use of the public safety*
7 *communication spectrum, the California Statewide Interoperability*
8 *Executive Committee may consult with any regional planning*
9 *committee or other federal, state, or local entity with responsibility*
10 *for developing, operating, or monitoring interoperability of the*
11 *public safety spectrum.*

12 (2) *The California Statewide Interoperability Executive*
13 *Committee shall advise the California Emergency Management*
14 *Agency regarding the development of agreements, including, but*
15 *not limited to, model memoranda of understanding, for*
16 *interoperability or other shared use of the public safety spectrum.*

17 (d) *In order to be eligible for state and federal public safety*
18 *radio communications grant funds, local agencies shall participate*
19 *in, and be signatory to, a tactical interoperability communication*
20 *plan as approved by California Statewide Interoperability*
21 *Executive Committee.*

22 (e) *The committee shall have responsibility for both of the*
23 *following:*

24 (1) *Developing an integrated public safety strategy that*
25 *facilitates interoperability among the state public safety agencies*
26 *listed in subdivision (d) of Section 8592.1. In the development of*
27 *the integrated public safety strategy, the committee shall coordinate*
28 *with California Statewide Interoperability Executive Committee*
29 *and ensure that state systems interoperate with local government*
30 *systems where authorized and where applicable.*

31 (2) *Coordinating shared use of the public safety spectrum*
32 *allocated to the state by the Federal Communications Commission*
33 *to maximize its effective use by the state public safety organizations*
34 *listed in subdivision (d) of Section 8592.1 consistent with the*
35 *decisions and regulations of the Federal Communications*
36 *Commission, the guidelines for interoperability established by*
37 *California Emergency Management Agency and California*
38 *Statewide Interoperability Executive Committee, and the*
39 *requirements of the California Statewide Communications*
40 *Interoperability Plan.*

1 (f) *The committee shall meet at least twice a year, of which one*
2 *meeting shall be a joint meeting with the California Statewide*
3 *Interoperability Executive Committee to enhance coordination*
4 *and cooperation at all organizational levels and a cohesive*
5 *approach to communications interoperability.*

6 SEC. 5. *Section 8592.3 of the Government Code is amended*
7 *to read:*

8 8592.3. (a) The committee ~~shall~~ *may* consult with the following
9 organizations and entities:

- 10 (1) California State Peace Officers Association.
- 11 (2) California Police Chiefs Association.
- 12 (3) California State Sheriffs' Association.
- 13 (4) California Professional Firefighters.
- 14 (5) California Fire Chiefs Association.
- 15 (6) California State Association of Counties.
- 16 (7) League of California Cities.
- 17 (8) California State Firefighters Association.
- 18 (9) California Coalition of Law Enforcement Associations.
- 19 (10) California Correctional Peace Officers Association.
- 20 (11) CDF Firefighters.
- 21 (12) ~~California Union of Safety Employees~~ *Statewide Law*
22 *Enforcement Association.*
- 23 (13) *Tribal government representatives.*
- 24 (14) *Manufacturers and vendors of public safety*
25 *communications equipment and systems.*
- 26 (15) *Association of Public Safety Communications Officials*
27 *International and similar professional organizations.*

28 (b) Each organization or entity listed in subdivision (a) may
29 designate a representative to work with the committee to develop
30 agreements for interoperability, *including for the shared use of*
31 *resources or infrastructure*, or other shared use of the public safety
32 spectrum between the state public safety departments listed in
33 subdivision ~~(b)~~ (d) of Section 8592.1 and local or federal agencies
34 that operate a communication system on the public safety spectrum
35 and that have capacity and technical ability for interoperability or
36 other shared use.

37 ~~(c) The committee shall develop a model memorandum of~~
38 ~~understanding that sets forth general terms for interoperability or~~
39 ~~other shared uses among jurisdictions, which may be modified as~~

1 ~~necessary for a particular agreement entered into pursuant to~~
2 ~~subdivision (b).~~

3 (c) (1) *A meeting or portion of a meeting convened for the sole*
4 *purpose of reviewing communications protocols or technology*
5 *where disclosure of features, components, or systems could impact*
6 *the security of public safety communications, or the disclosure*
7 *proprietary information or trade secrets of technology providers*
8 *may be exempt from Article 9 (commencing with Section 11120)*
9 *of Chapter 1 of Part 1 of Division 3. Any exemptions shall be*
10 *noticed in accordance with the requirements for noticing public*
11 *meetings.*

12 (2) *Paragraph (1) shall not affect any other provision of existing*
13 *law relative to the procurement of technology or technology*
14 *services.*

15 (3) *Subsequent to any closed meeting conducted pursuant to*
16 *paragraph (1), a list of presenters, including names and affiliations,*
17 *and general subject matter discussed shall be published as part*
18 *of the minutes of the next meeting.*

19 ~~(d) A local agency may not be required to adopt the model~~
20 ~~memorandum of understanding developed pursuant to subdivision~~
21 ~~(e).~~

22 SEC. 6. *Section 8592.4 of the Government Code is amended*
23 *to read:*

24 8592.4. (a) ~~The committee shall determine which state public~~
25 ~~safety departments listed in subdivision (b) of Section 8592.1 need~~
26 ~~new or upgraded communication equipment and shall establish a~~
27 ~~program for equipment purchase~~ *establish guidelines for the*
28 *purchase of public safety communications equipment. In*
29 ~~establishing this program these guidelines,~~ *the committee shall*
30 *recommend the purchase of public safety radio subscriber*
31 *equipment that will enable state agencies to commence conforming*
32 *conform to industry and governmental standards for interoperability*
33 *as set forth in Section 8592.5. As technology continues to evolve,*
34 *the committee shall recommend the purchase of nonproprietary*
35 *equipment or systems that are standards-based and have open*
36 ~~architecture and backward compatibility with existing equipment~~
37 ~~and systems, as appropriate,~~ *and that are in compliance with*
38 *paragraphs (1) and (2) of subdivision (a) of Section 8592.5.*

39 (b) *The committee may recommend to any other federal, state,*
40 *regional, or local entity with responsibility for developing,*

operating, or monitoring interoperability of the public safety spectrum, the purchase of public safety radio subscriber equipment that will enable ~~first response~~ *public safety* agencies to ~~commence~~ ~~conforming~~ *conform* to industry and governmental standards for interoperability as set forth in paragraphs (1) and (2) of subdivision (a) of Section 8592.5. ~~As technology continues to evolve, the committee may recommend the purchase of nonproprietary equipment or systems that have open architecture and backward compatibility, and that are in compliance with paragraphs (1) and (2) of subdivision (a) of Section 8592.5.~~

(c) This section does not mandate that a state or local governmental agency affected by this section is required to compromise its immediate mission or ability to function and carry out its existing responsibilities.

SEC. 7. Section 8592.5 of the Government Code is amended to read:

8592.5. (a) Except as provided in subdivision (c), a state ~~department~~ *agency* that purchases public safety radio communication equipment shall ensure that the equipment purchased complies with applicable provisions of the following:

(1) The common system standards for digital public safety radio communications commonly referred to as the “Project 25 Standard,” ~~as that standard may be amended, revised, or added to in the future jointly by the Associated Public Safety Communications Officials, Inc., National Association of State Telecommunications Directors and agencies of the federal government, commonly referred to as “APCO/NASTD/FED.”~~ *defined in the Telecommunications Industry Association Series 102 series of standards, and as that series may be amended or revised in the future.*

(2) The operational and functional requirements delineated in the Statement of Requirements for Public Safety Wireless Communications and Interoperability developed by the SAFECOM Program under the United States Department of Homeland Security.

(b) Except as provided in subdivision ~~(e)~~ *(d)*, a local ~~first response~~ *public safety* agency that purchases public safety radio communication equipment, in whole or in part, with state funds or federal funds administered by the state, shall ensure that the

1 equipment purchased complies with paragraphs (1) and (2) of
2 subdivision (a).

3 (c) Subdivision (a) ~~or (b)~~ shall not apply to either of the
4 following:

5 (1) Purchases of equipment to operate with existing state ~~or~~
6 ~~local~~ communications systems where the latest applicable standard
7 will not be compatible, as verified by the Telecommunications
8 Division of the Department of General Services *serve to enhance*
9 *interoperability between the agency making the purchase and any*
10 *other agency, as verified by the Office of the State Chief*
11 *Information Officer.*

12 (2) Purchases of equipment for existing statewide low-band
13 public safety communications systems.

14 (d) *Subdivision (b) shall not apply to purchases of equipment*
15 *to operate with existing local communications systems where the*
16 *latest applicable standard will not serve to enhance interoperability*
17 *between the agency making the purchase and any other agency,*
18 *as verified by the California Emergency Management Agency, of*
19 *the funds used to acquire that equipment.*

20 ~~(d)~~

21 (e) This section may not be construed to require an affected
22 state or local governmental agency to compromise its immediate
23 mission or ability to function and carry out its existing
24 responsibilities.

25 SEC. 8. *Section 8592.6 of the Government Code is repealed.*

26 ~~8592.6. (a) The committee shall report to the Legislature by~~
27 ~~January 1 of each year on the committee's progress in~~
28 ~~implementing this article.~~

29 ~~(b) (1) The annual report shall serve as the state's strategic plan~~
30 ~~to establish a statewide integrated, interoperable public safety~~
31 ~~communications network. The report shall include, but not be~~
32 ~~limited to, implementation strategies and timelines to achieve the~~
33 ~~goals and objectives set forth in the report. The implementation~~
34 ~~strategies and timelines may include identification of resource~~
35 ~~needs, including data formats, possible funding sources,~~
36 ~~prioritization of expenditures, and the development of common~~
37 ~~protocols that build upon industry and governmental standards for~~
38 ~~interoperability as set forth in paragraphs (1) and (2) of subdivision~~
39 ~~(a) of Section 8592.5 that will advance the integration of local,~~
40 ~~regional, and statewide interoperable public safety communication~~

1 networks. The report shall be updated annually, as strategies,
2 timelines, goals, and objectives are accomplished or changed.

3 (2) In developing the report, the committee, at its discretion,
4 shall consult with any other local, regional, state, or federal entity
5 with responsibility for developing, operating, or monitoring
6 interoperability of the public safety spectrum, and other first
7 response agencies. The report may include recommendations for
8 local, regional, state, or federal entities to coordinate resources
9 and the development of common protocols to advance the
10 integration of local, regional, and statewide interoperable public
11 safety communication networks.

12 (e) The report will include a complete listing of purchases by
13 state departments of public safety radio communications
14 equipment, for which a waiver of subdivision (a) of Section 8592.5
15 was granted by the committee.

16 SEC. 9. Section 8592.6 is added to the Government Code, to
17 read:

18 8592.6. Concurrent with its submission of updates to the
19 California Statewide Interoperability Plan to the federal
20 government, the California Emergency Management Agency shall
21 submit all of the following to the Legislature:

22 (a) Plan updates.

23 (b) An addendum to the plan that includes aggregate budget
24 projections for the state to meet the strategic milestones for
25 statewide interoperability, as outlined in the plan.

26 (c) A list of waivers, included in the addendum, issued pursuant
27 to subdivisions (a) and (b) of Section 8592.5 in the prior two years.

28 SEC. 10. Section 8592.7 of the Government Code is amended
29 to read:

30 8592.7. (a) A ~~budget proposal~~ communications systems plan
31 submitted by a state agency for support of a new or modified radio
32 or data communications system shall be accompanied by a
33 technical project plan that includes all of the following:

34 (1) The scope of the project.

35 (2) Alternatives considered.

36 (3) Justification for the proposed solution.

37 (4) A project implementation plan.

38 (5) A proposed timeline.

39 (6) Estimated costs by fiscal year.

(b) The committee shall review the plans submitted pursuant to subdivision (a) for consistency with the ~~statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6 requirements of the California Statewide Communications Interoperability Plan and the interoperability guidelines published by the California Statewide Interoperability Executive Committee.~~

(c) ~~The Telecommunications Division of the Department of General Services office of the State Chief Information Officer shall review the plans submitted pursuant to subdivision (a) for consistency with the technical requirements of the statewide integrated public safety communication strategic plan included in the annual report required pursuant to Section 8592.6 California Statewide Communications Interoperability Plan and the interoperability guidelines published by the California Statewide Interoperability Executive Committee and committee.~~

SEC. 11. Section 8592.8 is added to the Government Code, to read:

8592.8. (a) *The office of the State Chief Information Officer shall produce a Public Safety Communication Strategic Plan in accordance with subdivision (d) that shall guide the acquisition of information technology for public safety communications. State agencies shall cooperate in the development of this plan, as required by the State Chief Information Officer. The plan shall support the California Statewide Communications Interoperability Plan.*

(b) *Upon establishment of the information technology strategic plan, the office of the State Chief Information Officer shall take all appropriate and necessary steps to implement the plan, subject to any modification and adjustments deemed necessary and reasonable.*

(c) *The office shall review and make minor adjustments if necessary to the communications strategic plan in each year during the five-year cycle.*

(d) *The plan shall be submitted to the Joint Legislative Budget Committee on or before June 1, 2010, and annually thereafter until June 1, 2015, if the plan is adjusted.*